

APPENDIX C:

CONSTRUCTION STORM WATER REMEDIES AND REQUIREMENTS

In compliance with and in addition to the requirements in the Consent Decree in United States v. Seaboard Foods LP, Defendant Seaboard Foods LP (“Seaboard”) shall comply with the requirements of this Appendix to control stormwater runoff from its construction activities and stabilize the areas identified at the Farms specifically named herein, as provided below.

I. FUTURE CONSTRUCTION

1. At any new or existing Seaboard Farm or Facility (including, but not limited to, those listed in Appendix A), for five years after entry of this Consent Decree, Seaboard shall apply for and comply with the terms of the Construction General Permit for any construction that disturbs an area greater than one acre, regardless of whether the construction is likely to result in a discharge to a water of the United States.

II. INDIVIDUAL REQUIREMENTS FOR SPECIFIC SEABOARD FARMS

1. At each of the farms listed below, Seaboard shall perform the site-specific tasks set forth herein.
2. Seaboard shall complete all tasks specified, including tasks involving seeding (but excluding the tasks described in Paragraph 4, below), for each listed farm by no later than November 1, 2006.
3. Where the specific requirements or tasks listed below require Seaboard to “seed,” “re-seed” or “overseed” an area, Seaboard shall take all reasonable steps necessary to establish 70 percent perennial vegetative coverage relative to native background coverage, and measure the percent coverage as described in Paragraph 4 below. Reasonable steps shall include, but not be limited to, seeding and initial irrigation to encourage germination and plant growth.
4. Where the specific requirements or tasks listed below require Seaboard to “seed,” “re-seed” or “overseed” an area, Seaboard shall measure the percent coverage, using the Point Intercept Method, no later than November 1, 2008, and report results to EPA. If the desired 70 percent perennial vegetative coverage has not been established at that time, Seaboard shall undertake additional steps to establish cover, if appropriate, and conduct a follow-up coverage measurement (using the same method) between six and eight months thereafter to determine coverage, and report results to EPA. At least 21 days prior to each such measurement, Seaboard shall provide notice to EPA of its intent to take such measurement to afford EPA an opportunity to be present.

Dorman Sow South (Farm 48). Seaboard shall:

1. Seed the areas surrounding the old waste treatment system that were disturbed during the closure process and the northeast corner of the old secondary lagoon.
2. Install silt fencing around the downgradient perimeter of any newly seeded areas and maintain it until 70 percent perennial vegetative coverage relative to native

background coverage has been established, or until three years after entry of this Decree, whichever is earlier.

3. Redirect drainage from the southeast corner of the site to the former primary treatment lagoon that will be converted to a sediment basin.
4. Gravel the area on west end of the breeding and gestation barns.

Dorman Sow North (Farm 49). Seaboard shall:

1. Over-seed the area east of buildings between the building pad and the storm water catchment basin.
2. Install silt fencing around the downgradient perimeter of newly seeded areas, if any.

Wakefield Sow South (Farm 46). Seaboard shall:

1. Install sufficient 6" to 8" rock material ("rip rap") at the entrance to the stormwater catchment basin to prevent erosion of the basin's berm.
2. Install sufficient rip rap where pipes enter the constructed drainage way that leads to the stormwater catchment basin to protect against erosion.

Wakefield Sow North (Farm 47). Seaboard shall:

1. Over-seed the areas around all lagoons and the soil stockpile (after use of stockpile ceases).
2. Install silt fencing around the downgradient perimeter of any newly seeded areas and maintain it until 70 percent perennial vegetative coverage relative to native background coverage has been established, or until three years after entry of this Decree, whichever is earlier.
3. Install at the north end of the barn complex: silt fencing, rip-rap, or hay bales (or any combination thereof) sufficient to minimize soil runoff by reducing the velocity of water flowing to the west.

Nichols Southeast Nursery (Farm 137). Seaboard shall:

1. Re-seed the original construction cut area on the west side of the farm, the tops of the lagoon berms, and a strip running the length of the south end of the lagoon and north end of the barn. Overseed the southeast corner of the farm, between the driveway and the south and east property boundaries.
2. Install silt fencing around the downgradient perimeter of any newly seeded areas, and along the southeast property boundary, from the driveway to the southeast corner of the property, and approximately 100' north along the fenceline. Maintain such fencing until 70 percent perennial vegetative coverage relative to native

background coverage has been established in this area, or until three years after entry of this Decree, whichever is earlier.

Nichols East Central Nursery (Farm 136). Seaboard shall:

1. Over-seed the west side of the driveway at the farm entrance, around the tops of the lagoon berms, and the slope of the north end of the lagoon toward the fence.
2. Install silt fencing around the downgradient perimeter of any newly seeded areas, and maintain it until 70 percent perennial vegetative coverage relative to native background coverage has been established, or until three years after entry of this Decree, whichever is earlier.
3. Replace the drainage culvert located in the southeast of the farm and install sufficient rip rap around the culvert to protect against erosion.

Galloway Nursery (Farm 125). Seaboard shall:

1. Over-seed the lagoon berms and areas around and in between the barns.
2. Install silt fencing around the downgradient perimeter of any newly seeded areas, and maintain it until 70 percent perennial vegetative coverage relative to native background coverage has been established, or until three years after entry of this Decree, whichever is earlier.
3. Install sufficient rip rap around the drainage culvert located on the south end of the farm to protect against erosion between the lagoon and barns.
4. Create gravel driveway on east end of the building pad and re-seed the area east of that driveway area. In creating new gravel driveway, reduce the width of the driveway to the maximum extent practical, consistent with the operational needs of the farm.
5. Create sediment pond on southeast corner of site between the building pad, the driveway, and the road.

Brenneman Finisher (Farm 330). Seaboard shall:

1. Over-seed the areas around and in between the barns and on the lagoon berms.
2. Install silt fencing around the downgradient perimeter of any newly seeded areas, and maintain it until 70 percent perennial vegetative coverage relative to native background coverage has been established, or until three years after entry of this Decree, whichever is earlier.
3. Install a new drainage culvert on the north end of the farm between the lagoon and the barns and install sufficient rip rap around the new culvert and around the existing culvert to protect against erosion.
4. Reduce the width of the driveway to the maximum extent practical, consistent with the operational needs of the farm.

Ruckert Finisher (Farm 358). Seaboard shall:

1. Over-seed the areas around and in between the barns and on the lagoon berms.
2. Install silt fencing around the downgradient perimeter of any newly seeded areas and maintain it until 70 percent perennial vegetative coverage relative to native background coverage has been established, or until three years after entry of this Decree, whichever is earlier.
3. Install a new drainage culvert on the south end of the farm between the lagoon and the barns and install sufficient rip rap around the new culvert to protect against erosion.
4. Reduce the width of the driveway to the maximum extent practical, consistent with the operational needs of the farm.
5. Install sufficient rip rap at the south edge of the driveway to reduce to appropriate rates the overland flow velocity from the parking lot and barns.

Mitchell I Finisher (Farm 327). Seaboard shall:

1. Re-seed the areas around and in between the barns and on the tops of the lagoon berms.
2. Install silt fencing around the downgradient perimeter of any newly seeded areas and maintain it until 70 percent perennial vegetative coverage relative to native background coverage has been established, or until three years after entry of this Decree, whichever is earlier.
3. Install sufficient rip rap around drainage areas located to the north and south between the lagoon and the barns to protect against erosion.

Mitchell II Finisher (Farm 328). Seaboard shall:

1. Re-seed the areas around and in between the barns and on the tops of the lagoon berms.
2. Install silt fencing around the downgradient perimeter of any newly seeded areas and maintain it until 70 percent perennial vegetative coverage relative to native background coverage has been established, or until three years after entry of this Decree, whichever is earlier.
3. Install sufficient rip rap around the drainage area located to the south, between the lagoon and barns, to protect against erosion.

Grounds Finisher (Farm 302). Seaboard shall:

1. Re-seed the areas around and in between the barns and on the tops of the lagoon berms.

2. Install silt fencing around the downgradient perimeter of any newly seeded areas and maintain it until 70 percent perennial vegetative coverage relative to native background coverage has been established, or until three years after entry of this Decree, whichever is earlier.
3. Install sufficient rip-rap around the drainage area located to the south between the lagoon and barns to protect against erosion.

Lundsford I Finisher (Farm 344). Seaboard shall:

1. Re-seed the tops of the lagoon berms and over-seed in between the barns.
2. Install silt fencing around the downgradient perimeter of any newly seeded areas and maintain it until 70 percent perennial vegetative coverage relative to native background coverage has been established, or until three years after entry of this Decree, whichever is earlier.
3. Install sufficient rip rap around drainage areas, in between the lagoon and the barns, to protect against erosion.

Lundsford II Finisher (Farm 345). Seaboard shall:

1. Re-seed the tops of the lagoon berms and over-seed in between the barns.
2. Install silt fencing around the downgradient perimeter of any newly seeded areas and maintain it until 70 percent perennial vegetative coverage relative to native background coverage has been established, or until three years after entry of this Decree, whichever is earlier.
3. Install sufficient rip rap around drainage areas and in between the lagoon and the barns to protect against erosion.

Wiebe Finisher (Farm 209). Seaboard shall:

1. Over-seed the outside edge of the farm driveway, between the barns, and on the tops of the lagoon berms.
2. Install silt fencing around the downgradient perimeter of any newly seeded areas and maintain it until 70 percent perennial vegetative coverage relative to native background coverage has been established, or until three years after entry of this Decree, whichever is earlier.

McBride Finisher (Farm 342). Seaboard shall:

1. Over-seed the lagoon berms, in between the barns, and the south end of the barn complex.
2. Install silt fencing around the downgradient perimeter of any newly seeded areas and maintain it until 70 percent perennial vegetative coverage relative to native background coverage has been established, or until three years after entry of this Decree, whichever is earlier.

3. Install sufficient rip rap around drainage area located to the south between the lagoon and the barns to protect against erosion.
4. Install sufficient rip rap on the southeast edge of the parking area to reduce water velocity flow from the southeast parking area.
5. Reduce the width of the driveway consistent with the operational need of the farm.